

1 Kendall D. Steele (State Bar No. 012367)
2 Brett Steele (State Bar No. 034716)
3 **WRIGHT, WELKER & PAUOLE, P.L.C.**
4 10429 S. 51st Street, #285
5 Phoenix, AZ 85044
6 (480) 961-0040
7 e-mails: ksteele@wwpfir.com
8 bsteele@wwpfir.com

9
10 Attorneys for Defendant Leizza Alcantara Adams

11
12 **UNITED STATES DISTRICT COURT**
13
14 **DISTRICT OF ARIZONA**

15 Jane Doe I; Jane Doe II; and John Doe, by and
16 through conservator, Fleming and Curti, PLLC,

17 No. 4:23-cv-00190-SHR

18 Plaintiffs,
19 -vs-
20 Leizza Alcantara Adams, an unmarried person,
21 Defendant.

22 **DEFENDANT'S ANSWER TO
23 PLAINTIFFS' COMPLAINT**

24
25 Defendant Leizza Alcantara Adams ("Defendant"), for her Answer to Plaintiffs'
26 Complaint, hereby admits, denies, and alleges as follows:

27
28 **PARTIES, JURISDICTION, AND VENUE**

29 1. Defendant admits, upon information and belief, the allegations contained in
30 paragraph 1.

31 2. Defendant admits the allegations contained in paragraph 2.

32 3. Defendant lacks knowledge or information sufficient to form a belief as to
33 the truth of the allegations of paragraph 3 and, therefore, denies the allegations.

34 4. Defendant lacks knowledge or information sufficient to form a belief as to
35 the truth of the allegations of paragraph 4 and, therefore, denies the allegations.

36 5. Answering paragraph 5, Defendant does not object to a tier 3 designation

1 for the purposes of removal to this court.

2 **GENERAL ALLEGATIONS**

3 6. Answering paragraph 6 of Plaintiffs' Complaint, Jane Does I & II and John
4 Doe, are the biological children of the Defendant and Paul Adams (deceased).

5 7. Defendant admits the allegations of paragraph 7.

6 8. Defendant admits the allegations of paragraph 8.

7 9. Answering paragraph 9, Defendant admits only that a search warrant was
8 executed at her home on or about February 8, 2017. Defendant lacks knowledge or
9 information sufficient to form a belief as to the truth of the remaining allegations of
10 paragraph 9 and, therefore, denies the remaining allegations.

11 10. Defendant admits the allegations of paragraph 10.

12 11. Defendant admits the allegations of paragraph 11.

13 12. Defendant admits the allegations of paragraph 12.

14 13. Defendant lacks knowledge or information sufficient to form a belief as to
15 the truth of the allegations of paragraph 13 and, therefore, denies the allegations.

16 14. Defendant admits she did not report Paul Adams' abuse of Jane Doe I to
17 law enforcement or to child protective services. Defendant denies the remaining
18 allegations of paragraph 14.

19 15. Defendant lacks knowledge or information sufficient to form a belief as to
20 the truth of the allegations of paragraph 13 and, therefore, denies the allegations.

21 16. Defendant lacks knowledge or information sufficient to form a belief as to
22 the truth of the allegations of paragraph 13 and, therefore, denies the allegations.

COUNT 1

Negligent Infliction of Emotional Distress

17. Defendant incorporates paragraphs 1-16 above.
18. Defendant denies the allegations of paragraph 18.
19. Defendant denies the allegations of paragraph 19.

COUNT 2

Intentional Infliction of Emotion Distress

20. Defendant incorporates paragraphs 1-19 above.
21. Defendant denies the allegations of paragraph 21.
22. Defendant denies the allegations of paragraph 22.

COUNT 3

Assault and Battery

23. Defendant incorporates paragraphs 1- 22 above.
24. Defendant denies the allegations of paragraph 24.
25. Defendant denies the allegations of paragraph 25.
26. Defendant denies the allegations of paragraph 26.
27. Defendant denies the allegations of paragraph 27.

COUNT 4

Negligence and Negligence *Per Se*

24 28. Defendant incorporates paragraphs 1-27 above.
25 29. Answering paragraph 29, Defendant admits only that Plaintiffs were minors
26 and at times, were under the supervision, care, and control of the Defendant. Defendant
27
28 denies the remaining allegations of paragraph 29.

1 30. Defendant denies the allegations of paragraph 30.

2 **AFFIRMATIVE DEFENSES**

3 1. Defendant denies all allegations not expressly admitted above, including all
4 allegations in Plaintiffs' prayer for relief.

5 2. Defendant alleges that the Complaint fails to state a claim upon which relief
6 may be granted.

7 3. Plaintiffs are limited to recovery for damages/injuries proximately and
8 actually caused by any proven fault of the Defendant.

9 4. Defendant alleges that Plaintiffs have failed to join indispensable parties
10 who may be fully or partially at fault for Plaintiffs' alleged damages.

11 5. Defendant alleges Plaintiffs' claims, if any, are barred by the affirmative
12 defenses of Duress, Laches, Waiver, *Res Judicata*, and/or Estoppel.

13 6. Defendant alleges that Plaintiffs' claims are barred by virtue of filing this
14 Complaint as a *de facto* horizontal appeal.

15 7. Defendant reserves the right to allege the fault and negligence of any other
16 party or any other person who is not presently a party, but who may be wholly or partially
17 at fault for any of Plaintiffs' alleged injuries and damages.

18 8. Defendant has not yet had a reasonable opportunity to complete discovery.
19 Because of the possibility that facts and circumstances may be discovered later, Defendant
20 reserves the right to assert, and hereby incorporate by reference, all defenses contained in
21 Rules 8 and 12, Fed. R. Civ. P. Defendant further alleges any other matter constituting
22 an avoidance or affirmative defense, including A.R.S. §§ 12-820 through and including
23 12-821.01.

1 WHERFORE, having fully defended, Defendant requests that this Court enter
2 judgment in its favor on Plaintiffs' complaint, with prejudice and on the merits, that
3 Plaintiffs take nothing by their claims, that Defendant be awarded her costs of suit and
4 attorneys' fees—if and as appropriate—and that the Court grant Defendant such other and
5 further relief as is deemed just and proper under the circumstances.
6

7 **JURY DEMAND**

8 Defendants demand a jury on all issues triable with the maximum number of jurors
9 permitted by law.
10

11 DATED this 27th day of April, 2023.
12

13 **WRIGHT, WELKER & PAUOLE, PLC**
14

15 By /s/Kendall Steele
16 Kendall D. Steele, Esq.
17 Brett Steele, Esq.
18 *Attorneys for Defendant*
19

20 **CERTIFICATE OF SERVICE**
21

22 I hereby certify that on April 27, 2023, I electronically transmitted the attached
23 document to the Clerk's Office using the CM/ECF System for filing and transmittal of a
24 Notice of Electronic Filing to the following CM/ECF Registrants:
25

26 Lynne M. Cadigan, Esq.
27 Taylor W. Boren, Esq.
28 **CADIGAN LAW FIRM, PLLC**
504 South Stone Avenue
Tucson, AZ 85701

lmcadigan@cadiganlawfirm.com
tboren@cadiganlawfirm.com
and

29 John C. Manly, Esq.
30 **MANLY, STEWART & FINALDI**
19100 Von Karman Avenue, Suite 800
31 Irvine, CA 92612
jmanly@manlystewart.com
32 *Attorneys for Plaintiffs*

33 /s/ Mandy Wyatt
34